

an open edge of the hole of the base for temporarily retaining the overall spacer on one of the members before the members are fastened to each other, with the temporarily retaining portion being inserted into the bore of the one member and caught on a wall defining the bore.

The most recent Official Action maintains the rejection of independent Claim 1 based on the disclosure contained in U.S. Patent No. 3,910,156 to *Soltysik*.

As explained in the prior response, *Soltysik* discloses a screw anchor clip 10 that is held in place in the aperture 12 of a body of material 13 by several locking ears 11. The most recent Official Action maintains the position that the locking ears 11 disclosed in *Soltysik* correspond to the temporarily retaining portion recited in Claim 1. However, as was explained in the prior response, these locking ears 11 cannot correspond to the temporarily retaining portion recited Claim 1 because the locking ears 11 are not provided on the open edge of the hole of the base. The most recent Official Action responds to this argument with the following comments.

The Applicant argues that the temporary retaining portion disclosed by *Soltysik* is not provided in the open edge of the hole of the base because the wall portions 27 and 28 are not provide on the open edge of the hole of the base. This argument fails to persuade because the claim recites 'each projection being brought into sliding contact with the open edge of the bore of said one member so that the overall spaces is moved towards a central axis of said one member'. The claim does not require provide the retaining portions on the open edge of the base as argued by the Applicant. Therefore, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the retaining portion is provided on the open edge of the hole of the base) are not recited in the rejected claim(s).

Considering these comments, it is understood that the rejection is premised on the belief that the arguments presented in the earlier response are not

commensurate in scope with the wording in Claim 1. It appears the Examiner may have overlooked certain language in Claim 1. Lines 8 and 9 of Claim 1 submitted with the Amendment filed on December 1, 2005 recite "a temporarily retaining portion provided on an open edge of the hole of the base." Thus, the argument presented in the prior response is fully supported by the wording in Claim 1. To the point, Claim 1 recites that the temporarily retaining portion is provided on an open edge of the hole of the base, and the locking ears 11 disclosed in *Soltysik* are clearly not provided on the open edge of the hole of the base.

Since the continued rejection based on *Soltysik* is premised on the mistaken belief that one of the earlier presented distinguishing arguments is not commensurate in scope with the Claim 1 language, and since it has been shown that such argument is fully consistent with the wording in Claim 1, the rejection based on *Soltysik* is no longer appropriate. The Examiner is thus respectfully requested to withdraw the rejection of independent Claim 1, and the dependent claims, based on the disclosure in *Soltysik*.

Dependent Claim 2 recites the insulating coating that is applied to the surface of the spacer. As discussed in paragraph [0002] of the application, an undesirable electro-chemical reaction can occur when dissimilar metals are joined together. The insulating layer recited in Claim 2 inhibits this electro-chemical reaction.

The Official Action rejects Claim 2 as being anticipated by the disclosure in *Soltysik*. However, nowhere does *Soltysik* state that an insulating coating is applied to the disclosed screw anchor clip.

In connection with Claim 3, the Official Action states that it would have been obvious to apply an insulating coating to the screw anchor clip disclosed in *Soltysik*.

As mentioned in the earlier response, Claim 3 does not recite an insulating coating. Thus, these comments are not applicable to Claim 3.

For purposes of completeness, this argument about the asserted obviousness of the claimed insulating coating will be addressed as though it were directed to Claim 2. The Examiner takes Official Notice that an insulting coating is used in applications where electrical insulation is needed such as when a metal outlet box is being installed to a wall or any component having a metal planar member that could come into contact with electricity. In this regard, the comments on page six of the Official Action state that the planar member shown in Figs 2 and 3 of *Soltysik* **can be** a part of a metal outlet box or any part of a metal element that **could be** in contact with electricity. In one respect, it is not readily apparent what feature in *Soltysik* constitutes the “planar member” referred to in the Official Action. More importantly though, the inquiry is not whether such planar member **can be** a part of a metal outlet box that **could be** in contact with electricity. Rather, the correct inquiry is whether one of ordinary skill in the art reading *Soltysik* would have understood that the disclosed screw anchor clip in *Soltysik* would be used in contexts requiring insulation. This has not been shown. Indeed, as explained in the prior response, it has not been established that one of ordinary skill in the art would understand that the screw anchor clip disclosed in *Soltysik* is used in an environment where electrical insulation is needed. Thus, no basis exists for the conclusion that it would have been obvious to apply an insulating coating to the disclosed screw anchor clip for the purpose stated in the Official Action and so it cannot be said that a *prima facie* case of obviousness has been established. Further, it is apparent that *Soltysik* is not concerned with inhibiting the undesirable electro-chemical reaction that sometimes

arises when dissimilar metals are joined together. If this rejection is maintained, the Examiner is respectfully requested to provide evidence establishing a *prima facie* case of obviousness and supporting the Official Notice taken in the Official Action.

For at least the reasons discussed above, it is believed that Claim 1, and the various dependent claims, are allowable. Accordingly, withdrawal of the rejection of record and allowance of this application are earnestly solicited.

As a final point, the earlier filed response directed the Examiner's attention to the Information Disclosure Statement filed on August 31, 2005. The Examiner is kindly asked to consider the cited documents and make them of record in this application.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application, the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

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